

OPINION
62-91

September 10, 1962 (OPINION)

COUNTY WELFARE BOARD

RE: Uniform Reciprocal Enforcement of

Support Action - Out of State Filing Fees

This is in reply to your letter of September 4, 1962, concerning the Uniform Reciprocal Enforcement of Support Act. You state the following facts and questions:

"It has been our experience that certain counties in the State of Washington require a \$25.00 filing fee before action will be taken on any Reciprocal Enforcement of Support Actions commenced in our jurisdiction. We have taken the position that the act is not reciprocal where the responding state requires a \$25.00 filing fee. However, this leaves us in a stalemate which deprives the residents of this state of the benefits of the Reciprocal Enforcement of Support Acts.

"Therefore, we request an opinion.

1. Whether or not the County Welfare Board can expend \$25.00 from its General Assistance Fund (which is county money and not state or federal money) to make the payment for filing fees to a responding state in a Uniform Reciprocal Enforcement of Support Act action.

2. In the case where a States Attorney has deemed it appropriate to commence a Uniform Reciprocal Enforcement of Support action in this jurisdiction, and finds that the responding state requires a filing fee for continuing the action in that state, is the County Welfare Board required to expend the funds from its General Assistance Fund to pay for the filing fees in the responding jurisdiction.

"In both cases, of course, we assume that the Petitioner is a resident of the county from which the action is commenced, and is eligible for assistance through the local welfare board."

It certainly would not appear to be within the spirit of the Uniform Reciprocal Enforcement of Support Act for one State to charge a filing fee of \$25.00 prior to accepting the action. We would note there are very few states which require a filing fee in these actions. This situation will, however, remain until the legislatures of these few states comply with the spirit of the law and amend their acts accordingly.

It is our opinion that the County Welfare Board can expend \$25.00 from its General Assistance Fund to make payment for filing fees to a responding state in a Uniform Reciprocal Enforcement of Support

action. The duty of the County Welfare Board to make payments in support of dependent children, etc., arises only when those responsible for support either cannot or refuse to contribute to such support. We believe it is within the power of the County Welfare Board to pay the filing fee in a Uniform Reciprocal Enforcement of Support action and thus assist those persons entitled to support in obtaining such support.

With regard to your second question, we do not believe the County Welfare Board can be required to expend funds from its General Assistance Fund to pay for the filing fees in the responding jurisdiction. The determination of the payment of these funds must be made by the County Welfare Board, initially. While their decision may be appealed to the State Welfare Board, we know of no other method by which the County Welfare Board can be required to expend these funds.

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